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EXAMINER AUGUSTINE, NICHOLAS				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/652,758

Applicant(s)

HAN, MAUNG W.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Request for Continued Examination filed 09/21/2009.
- B. Claims 1-3, 5-13 and 15-20 remains pending.
-

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/21/2009 has been entered.
-

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as US Pub 2003/0018427 at the time this invention was made, or was subject to a joint research

agreement at the time this invention was made. However, reference US Pub 2003/0018427 additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

4. Claims 1-3, 5-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nimura et al. (US Pat. 6,202,026), hereinafter "Nimura" in view of Morimoto et al. (US Pat. 6,351,706), hereinafter "Morimoto" in further view of Yokota et al (US Pub. 2003/0018427 A1), herein referred to as "Yokota".

As to independent claims 1 and 11 (currently amended), Nimura teaches a display method and corresponding apparatus for a navigation system (Abstract; col. 1, lines 63-67), comprising the following steps of/means for: reading out map data from a map data storage for displaying a map image on a screen of navigation system (col. 2, lines 1-5); converting the map data to screen coordinates so that an intended map image is displayed on a correct position on the screen (fig.6, labels S11, S13; col. 7, lines 10-13, 43- 45, 53-56); zooming the map image by enlarging or shrinking distances of points on the map image relative to a center of the screen (fig. 13, labels 53-56; fig. 14A, 14B, 14C; fig. 15A, 15B; col. 9 lines 21- 32, 40-48) wherein when the map image is zoomed-

in to a predetermined degree to sufficiently enlarge the map image the navigation system displays POI (points of interest) icons (col.2, lines 9-18; col.4, lines 12-41; col.9, lines 40-67; fig.12,13 and 15A-B; wherein Nimura depicts how user scrolls the map and shows relationship between size of the map data and viewing area as well as changing the size of the map image based on the distance from the center of the screen of the navigation system).

Nimura does not teach storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient.

However, Morimoto teaches storing the map data converted to the screen coordinates in a memory (fig. 1, labels 1, 8; col. 3, lines 52-62; col. 13, lines 47-61; col. 10, lines 10-31) which operates faster than the map data storage (col. 5, lines 53-54, 66-67; col. 6, lines 1-6); and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system (col. 2, lines 25-34), and the converted data in the memory is used as is when zooming-in the map image (fig 1, label 8; col. 5, lines 53- 58; fig. 2; col. 2, lines 34-40; col. 7, lines 19-25), and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient (fig. 3;

col. 8, lines 21-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nimura by storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient as taught by Morimoto in order to provide a continuous stream of data of updated information as the depicted image on screen is changed (zooming).

Nimura in view of Morimoto does not specifically go into great detail to explain that the navigation system when combined offer graphical elements called balloons to provide information to the user of the navigation system, however in the same field of endeavor Yokota teaches displaying the information on the screen utilizing the balloon message and the POI icons when the map scale reaches a predetermined value (par.70,71); the navigation system displays POI (points of interest) icons and a balloon message on the map image where the balloon message is a text message displayed within a balloon shape on the screen that describes detailed information regarding the POI icons within an area specified by the cursor (par.75); and wherein when the message in the balloon shape indicates that a POI list is available within the specified cursor area, the navigation system allows to display a list of POIs (par.24 and 88).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Yokota into Nimura in view of Morimoto, this is true because both Yokota and Nimura in view of Morimoto teach of solving the same problem of providing a graphical user interface for a navigation system's using similar navigation techniques, one of ordinary skill in the art would not have been hard pressed to see the advantage and obvious variant of adding the additional functionality of balloon shape illustrations more easily point out areas of interest on a road map of the navigation display screen to provide the user with detailed information on areas of interest (par.16-18: Yokota).

As to dependent claims 2 and 12 (currently amended), Nimura further teaches: reading out the converted map data from the memory (col. 1, lines 63-67; col. 2, lines 1-5; col. 6, lines 7-16) and multiplying a map scale value which is larger than one, thereby enlarging the map image on the screen (fig. 13, labels S51-S55; fig. 14C, 14A; col. 9, lines 15-32, that the • right screen of fig 14C (50m) is multiplied by 2 times larger in scale than the right screen of fig 14A (100m)).

As to dependent claims 3 and 13 (currently amended), Nimura further teaches: reading out the converted map data from the memory (col. 1, lines 63-67; col. 2, lines 1-5; col. 6, lines 7-16) and multiplying a map scale value which is smaller than one, thereby shrinking the map image on the screen (fig. 13, labels S51-S55; fig 14A, 14C; col. 9, lines 15-32, that the right screen of fig. 14A (100m) is 2 times smaller in scale than the right screen of fig. 14C (50m)).

As to dependent claims 5 and 15 (currently amended), Nimura further teaches: converting the additional map data with respect to the screen coordinates (fig. 9, label S41-S43; fig. 10A-10B; col. 8, lines 51-57, that converts the data as the coordinates change in scrolling); combining the converted map data from the memory and the converted additional map data (col. 1, lines 63-67; col. 2, lines 1-5; col. 61 lines 7-16, that when the device is controlling the guidance it combines both map and converted data); and displaying the map image encompassing a larger area than that covered by the original map image (fig. 13, labels S51-S55; fig 14A, 14C; col. 9, lines 15-32, that the right screen of fig. 14A (100m) is 2 times smaller in scale than the right screen of fig. 14C (50m)).

As to dependent claims 6 and 16, Nimura further teaches memory is a buffer memory or a map memory that is able to temporarily store the map data retrieved from the map data storage (fig. 1, labels 3, 4, 42; col. 6, lines 14-16).

As to dependent claims 7 and 17, Nimura further teaches map data storage is a CD-ROM (compact disc read only memory), DVD (digital versatile disc), or a hard disc which stores map information for conducting operations for the navigation system (fig. 1, labels 3; col. 4, lines 42- 46).

As to dependent claims 8 and 18, Nimura further teaches step of zooming the map

image (fig. 14A, 14B, 14C; col. 9 lines 21-32) includes a step of positioning an area of interest on the map image (fig. 1, label 2; col. 4, lines 60-63) to the center of the screen (fig 15A, 15B; col. 9 lines 40-48).

As to dependent claims 9 and 19, Nimura further teaches:

positioning an area of interest on the map image to the center of the screen (fig 15A, 15B; col. 9 lines 40-48); zooming-in the map image to a degree that new information for selecting a destination is displayed on the screen (fig. 13, labels S51-S55; fig. 14C, 14A; col. 9, lines 15-32, that the right screen of fig 14C (50m) is multiplied by 2 times larger in scale than the right screen of fig 14A (100m)); and selecting the destination using the new information on the screen to calculate a route to the destination (col. 4, lines 60-67, col. 5 lines 1-3).

As to dependent claims 10 and 20, Nimura further teaches new information includes POI (point of interest) icons (fig. 15B, label "POLICE OFFICE, GS and POST OFFICE") showing positions and categories of POI's on the screen (fig. 15A; col. 10, lines 3-7).

As to independent claim 11 (currently amended), Nimura teaches a display apparatus for a navigation system (Abstract; col. 1, lines 63-67), comprising: means for reading out map data from a map data storage for displaying a map image on a screen of a navigation system (col. 2, lines 1-5); means for converting the map data to screen coordinates so that an intended map image is displayed on a correct position on the screen (fig. 6, labels S11, S13; col. 7, lines 10-13, 43- 45, 53-56); means for zooming

the map image by enlarging or shrinking distances of points on the map image relative to a center of the screen (fig. 13, labels 53-56; fig. 14A, 14B, 14C; fig. 15A, 15B; col. 9 lines 21-32, 40-48).

Nimura does not teach the means for storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient.

However, Morimoto teaches the means for storing the map data converted to the screen coordinates in a memory (fig. 1, labels 1, 8; col. 3, lines 52-62; col. 13, lines 47-61; col. 10, lines 10-31) which operates faster than the map data storage (col. 5, lines 53-54, 66-67; col. 6, lines 1-6); and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system (col. 2, lines 25-34), and the converted data in the memory is used as is when zooming-in the map image (fig. 2; col. 2, lines 34-40; col. 7, lines 19-25), and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient (fig. 3; col. 8, lines 21-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nimura by having the means for storing the map data converted to the screen coordinates in a memory which operates faster than the map

data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the

5. Claims 1-3, 5-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nimura et al. (US Pat. 6,202,026), hereinafter "Nimura" in view of Morimoto et al. (US Pat. 6,351,706), hereinafter "Morimoto" in further view of Miyaki, Ken (US Pub 2002/0130906 A1), herein referred to as "Miyaki".

As to independent claims 1 and 11 (currently amended), Nimura teaches a display method and corresponding apparatus for a navigation system (Abstract; col. 1, lines 63-67), comprising the following steps of/means for: reading out map data from a map data storage for displaying a map image on a screen of navigation system (col. 2, lines 1-5); converting the map data to screen coordinates so that an intended map image is displayed on a correct position on the screen (fig.6, labels S11, S13; col. 7, lines 10-13, 43- 45, 53-56); zooming the map image by enlarging or shrinking distances of points on the map image relative to a center of the screen (fig. 13, labels 53-56; fig. 14A, 14B,

14C; fig. 15A, 15B; col. 9 lines 21- 32, 40-48) wherein when the map image is zoomed-in to a predetermined degree to sufficiently enlarge the map image the navigation system displays POI (points of interest) icons (col.2, lines 9-18; col.4, lines 12-41; col.9, lines 40-67; fig.12,13 and 15A-B; wherein Nimura depicts how user scrolls the map and shows relationship between size of the map data and viewing area as well as changing the size of the map image based on the distance from the center of the screen of the navigation system).

Nimura does not teach storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient.

However, Morimoto teaches storing the map data converted to the screen coordinates in a memory (fig. 1, labels 1, 8; col. 3, lines 52-62; col. 13, lines 47-61; col. 10, lines 10-31) which operates faster than the map data storage (col. 5, lines 53-54, 66-67; col. 6, lines 1-6); and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system (col. 2, lines 25-34), and the converted data in the memory is used as is when zooming-in the map image (fig 1, label 8; col. 5, lines 53- 58; fig. 2; col. 2, lines 34-40; col. 7, lines 19-25), and additional map data is retrieved from the map data storage when zooming-

out the map image when the converted map data in the memory is insufficient (fig. 3; col. 8, lines 21-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nimura by storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient as taught by Morimoto in order to provide a continuous stream of data of updated information as the depicted image on screen is changed (zooming).

Nimura in view of Morimoto does not specifically go into great detail to explain that the navigation system when combined offer graphical elements called balloons to provide information to the user of the navigation system, however in the same field of endeavor Miyaki teaches displaying the information on the screen utilizing the balloon message and the POI icons when the map scale reaches a predetermined value (figures 9A-B; par.44-46); the navigation system displays POI (points of interest) icons and a balloon message on the map image where the balloon message is a text message displayed within a balloon shape on the screen that describes detailed information regarding the POI icons within an area specified by the cursor (*par. 44-46*); and wherein when the message in the balloon shape indicates that a POI list is available within the specified

cursor area, the navigation system allows to display a list of POIs (par.44-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Miyaki into Nimura in view of Morimoto, this is true because both Miyaki and Nimura in view of Morimoto teach of solving the same problem of providing a graphical user interface for a navigation system's using similar navigation techniques, one of ordinary skill in the art would not have been hard pressed to see the advantage and obvious variant of adding the additional functionality of balloon shape illustrations more easily point out areas of interest on a road map of the navigation display screen to provide the user with detailed information on areas of interest (par.5-9: Miyaki).

As to dependent claims 2 and 12 (currently amended), Nimura further teaches: reading out the converted map data from the memory (col. 1, lines 63-67; col. 2, lines 1-5; col. 6, lines 7-16) and multiplying a map scale value which is larger than one, thereby enlarging the map image on the screen (fig. 13, labels S51-S55; fig. 14C, 14A; col. 9, lines 15-32, that the • right screen of fig 14C (50m) is multiplied by 2 times larger in scale than the right screen of fig 14A (100m)).

As to dependent claims 3 and 13 (currently amended), Nimura further teaches: reading out the converted map data from the memory (col. 1, lines 63-67; col. 2, lines 1-5; col. 6, lines 7-16) and multiplying a map scale value which is smaller than one, thereby shrinking the map image on the screen (fig. 13, labels S51-S55; fig 14A, 14C;

col. 9, lines 15-32, that the right screen of fig. 14A (100m) is 2 times smaller in scale than the right screen of fig. 14C (50m)).

As to dependent claims 5 and 15 (currently amended), Nimura further teaches: converting the additional map data with respect to the screen coordinates (fig. 9, label S41-S43; fig. 10A-10B; col. 8, lines 51-57, that converts the data as the coordinates change in scrolling); combining the converted map data from the memory and the converted additional map data (col. 1, lines 63-67; col. 2, lines 1-5; col. 61 lines 7-16, that when the device is controlling the guidance it combines both map and converted data); and displaying the map image encompassing a larger area than that covered by the original map image (fig. 13, labels S51-S55; fig 14A, 14C; col. 9, lines 15-32, that the right screen of fig. 14A (100m) is 2 times smaller in scale than the right screen of fig. 14C (50m)).

As to dependent claims 6 and 16, Nimura further teaches memory is a buffer memory or a map memory that is able to temporarily store the map data retrieved from the map data storage (fig. 1, labels 3, 4, 42; col. 6, lines 14-16).

As to dependent claims 7 and 17, Nimura further teaches map data storage is a CD-ROM (compact disc read only memory), DVD (digital versatile disc), or a hard disc which stores map information for conducting operations for the navigation system (fig. 1, labels 3; col. 4, lines 42- 46).

As to dependent claims 8 and 18, Nimura further teaches step of zooming the map image (fig. 14A, 14B, 14C; col. 9 lines 21-32) includes a step of positioning an area of interest on the map image (fig. 1, label 2; col. 4, lines 60-63) to the center of the screen (fig 15A, 15B; col. 9 lines 40-48).

As to dependent claims 9 and 19, Nimura further teaches:
positioning an area of interest on the map image to the center of the screen (fig 15A, 15B; col. 9 lines 40-48); zooming-in the map image to a degree that new information for selecting a destination is displayed on the screen (fig. 13, labels S51-S55; fig. 14C, 14A; col. 9, lines 15-32, that the right screen of fig 14C (50m) is multiplied by 2 times larger in scale than the right screen of fig 14A (100m)); and selecting the destination using the new information on the screen to calculate a route to the destination (col. 4, lines 60-67, col. 5 lines 1-3).

As to dependent claims 10 and 20, Nimura further teaches new information includes POI (point of interest) icons (fig. 15B, label "POLICE OFFICE, GS and POST OFFICE") showing positions and categories of POI's on the screen (fig. 15A; col. 10, lines 3-7).

As to independent claim 11 (currently amended), Nimura teaches a display apparatus for a navigation system (Abstract; col. 1, lines 63-67), comprising: means for reading out map data from a map data storage for displaying a map image on a screen of a navigation system (col. 2, lines 1-5); means for converting the map data to screen

coordinates so that an intended map image is displayed on a correct position on the screen (fig. 6, labels S11, S13; col. 7, lines 10-13, 43- 45, 53-56); means for zooming the map image by enlarging or shrinking distances of points on the map image relative to a center of the screen (fig. 13, labels 53-56; fig. 14A, 14B, 14C; fig. 15A, 15B; col. 9 lines 21-32, 40-48).

Nimura does not teach the means for storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the memory is insufficient.

However, Morimoto teaches the means for storing the map data converted to the screen coordinates in a memory (fig. 1, labels 1, 8; col. 3, lines 52-62; col. 13, lines 47-61; col. 10, lines 10-31) which operates faster than the map data storage (col. 5, lines 53-54, 66-67; col. 6, lines 1-6); and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system (col. 2, lines 25-34), and the converted data in the memory is used as is when zooming-in the map image (fig. 2; col. 2, lines 34-40; col. 7, lines 19-25), and additional map data is retrieved from the map data storage when zooming-out the map image

when the converted map data in the memory is insufficient (fig. 3; col. 8, lines 21-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nimura by having the means for storing the map data converted to the screen coordinates in a memory which operates faster than the map data storage; and wherein the map data read out from the map data storage covers an area which is larger than that corresponds to the screen of the navigation system, and the converted data in the memory is used as is when zooming-in the map image, and additional map data is retrieved from the map data storage when zooming-out the map image when the converted map data in the

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant remarks against Nimura as not teaching the limitations that were rejected under Morimoto and Endo; and thus are moot with the new reference applied. Applicant further argues against Morimoto as not teaching the new limitation; the new reference is used to show this limitation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
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/Ba Huynh/

Primary Examiner, Art Unit 2179